

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RAYMOND C. COLLINS,

Plaintiff,

v.

PETER HUIBREGTSE, Warden,

Defendant.

ORDER

10-cv401-slc

On August 25, 2010, this case was closed because plaintiff Raymond C. Collins failed to submit a six month trust fund account statement as ordered by the court on August 6, 2010. On October 4, 2010, the court denied his motion to reopen the case because he did not submit a trust fund account statement or the \$350 filing fee.

Now before the court is plaintiff's notice of appeal, which he filed on November 3, 2010. Because Collins has not paid the \$455 fee for filing an appeal, his notice will be considered a request to proceed *in forma pauperis* on appeal. Plaintiff was not granted leave to proceed *in forma pauperis* in this court, because he did not submit a trust fund account statement. He argues that he should not be required to pay any filing fee in this case because of sovereign immunity. This argument is frivolous. Pursuant to 28 U.S.C. § 1915(a)(3), the court certifies that Collins' appeal is not taken in good faith. Thus his request to proceed *in forma pauperis* will be denied.

ORDER

IT IS ORDERED that plaintiff's motion for leave to proceed *in forma pauperis* on appeal, dkt. #13, is DENIED.

Entered this 22nd day of December, 2010.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge